

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DEC - 5 2007

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)

v.)

EARNEST D. BATTLE)

CR. NO. 2:07CR307-MEF

[18 USC § 922(g)(1)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about February 4, 2007, in Montgomery County, Alabama, within the Middle District of Alabama,

EARNEST D. BATTLE,

defendant herein, having been previously convicted on or about the dates set forth below of the offenses set forth below, each a felony punishable by imprisonment for a term exceeding one year under the laws of the State of Alabama:

CONVICTION DATE	COURT	OFFENSE	CASE NUMBER
April 3, 1986	Circuit Court of Montgomery County, Alabama	Theft of Property 1st	CC-86-176
April 3, 1986	Circuit Court of Montgomery County, Alabama	Burglary 3rd	CC-86-177
April 3, 1986	Circuit Court of Montgomery County, Alabama	Burglary 3rd	CC-86-179
March 8, 1991	Circuit Court of Montgomery County, Alabama	Burglary 3rd	CC-91-260
March 8, 1991	Circuit Court of Montgomery County, Alabama	Theft of Property 2nd	CC-91-261

did knowingly possess in and affecting commerce firearms, that is a loaded Harrington and Richardson, Model 929, .22 Caliber Revolver, and a loaded Taurus, .38 Caliber Revolver, better

descriptions of which are unknown to the Grand Jury. All in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION

A. Count 1 of this indictment is hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 922(g)(1), as alleged in Count 1 of this indictment, the defendant,

EARNEST D. BATTLE,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offense, including but not limited to the following:

One Harrington and Richardson, Model 929, .22 Caliber Revolver; and

One Taurus, .38 Caliber Revolver.


C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without

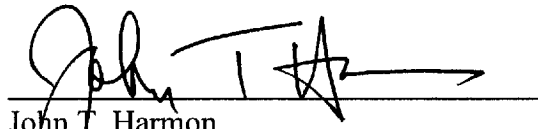
difficulty, the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an Order of this Court forfeiting any other property of said defendant up to the value of the property described in the above paragraphs.

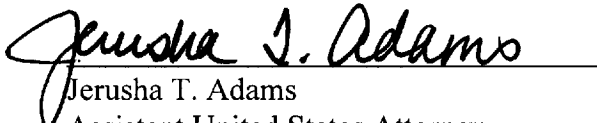
All in violation of Title 18, United States Code, Section 922.

A TRUE BILL:


Foreperson


LEURA G. CANARY
UNITED STATES ATTORNEY


John T. Harmon
Assistant United States Attorney


Jerusha T. Adams
Assistant United States Attorney